

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: **2:25-cv-00669-AB-BFM**

Date: February 19, 2025

Title: *Kizer Schwartz and Associates LLC v. Niagara Bottling, LLC et al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Daniel Tamayo
Deputy Clerk

N/A
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Appearing

Attorney(s) Present for Defendant(s):
None Appearing

**Proceedings: [In Chambers] ORDER TO PLAINTIFF SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

Plaintiff Kizer Schwartz and Associates LLC (“Plaintiff”) filed this action in federal court based on diversity jurisdiction. The Court has diversity jurisdiction where the matter in controversy exceeds the value of \$75,000, and is between citizens of different states. *See* 28 U.S.C. § 1332(a). “Absent unusual circumstances, a party seeking to invoke diversity jurisdiction should be able to allege affirmatively the actual citizenship of the relevant parties.” *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Plaintiff’s Complaint lacks the allegations necessary to establish either party’s citizenship.

Both parties are LLCs. The citizenship of a partnership or other unincorporated entity is the citizenship of its members. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[L]ike a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”). To allege the citizenship of an LLC, “a party must list citizenship of all the members of the limited liability company . . .” *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004). And if an LLC’s members

have members, the jurisdictional statement must allege the citizenship of the members' members, and so on. *See Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007) (“[A]n LLC’s jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well.”). Plaintiff alleges both its own citizenship and Defendant’s citizenship as if they are corporations. But since both parties are LLCs, such allegations of corporate citizenship are insufficient to establish their citizenship.

Plaintiff is therefore **ORDERED TO SHOW CAUSE** why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff may respond by filing an Amended Complaint that properly alleges both parties’ citizenship using the correct standard.

An Amended Complaint must be filed within 14 days of this Order. If no response is filed by the deadline, the action may be dismissed without prejudice without further notice for lack of subject matter jurisdiction.

IT IS SO ORDERED.